

Applicant: Martin AMERSON, et al.  
Serial No. 1,000,000  
Filed: June 1, 1961  
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REMARKS

Claims 1-4 were pending and are presently being examined in this application.

Applicants have attached a correcting version of the changes made to the abstract by this Amendment. The attached pages are captioned "Version With Markings To Show Changes."

Sections 3 and 4 of the Office Action objected to the specification because the abstract is substantially a copy of the claims.

Applicants hereinabove have amended the Abstract to describe the substance of the invention as suggested in the Office Action by rewriting the Abstract in narrative form. Accordingly, no new matter has been introduced by this Abstract.

In view of the remarks above and the amendment of the Abstract, applicants respectfully request that the objection to the Abstract be reconsidered and withdrawn.

Section 5 of the Office Action rejected claims 1-3, 5-13 and 15-17 under 35 U.S.C. 101 as being anticipated by U.S. Patent No. 6,328,213 to Heintzel. "Heintzel". More specifically, the Office Action stated that because the Heintzel disclosed: (1) a CCD which captured an image of a scene in two dimensions; (2) utilized a camera and a lens to focus the light on the CCD; and (3) utilized a camera and a lens to focus the light on the CCD; that each element of claims 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, and 17 was anticipated by the Heintzel. The Office Action also stated that the Heintzel disclosed: (1) with respect to claim 1, a camera and a lens, by which light from a scene is focused on the CCD; and (2) with respect

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Applicant respectfully submits that unlike the He Patent, the present invention as recited in all the independent claims, that is, claims 1, 10, 11, and 12, relates to methods and devices for recording a bar code by: (1) acquiring a sequence of two-dimensional images covering portions of the bar code; (2) detecting bar code edges in the sequence of images; (3) determining, based on the edges, the most probable sequence of displacements between the images; and (4) reconstructing the bar code using the sequence of the most probable sequence of displacements of the images.

In contrast, the He Patent processes a bar code by: (1) generating a one-dimensional electrical scan signal, or a digital version thereof, representative of the light reflected from the bar code; (2) determining how blurred the analog scan signal is from a brightness waveform derived from the one-dimensional scan signal; (3) selecting a procedure for further processing based on the amount the analog scan signal is blurred; (4) determining a set of positions of transitions in the bar code, and (5) interpreting this data as a bar code.

In other words, among other differences, the He Patent utilizes a one-dimensional analog signal to process a bar code with out reconstructing the bar code from multiple images whereas the subject invention as recited in the independent claims utilizes two-dimensional images to reconstruct a bar code. For example, FIG. 1 of the present specification, which is presently interpreting the bar code, shows a sequence of images of a bar code. The amount of blurring of the images is determined, and the amount of blurring is used to determine the sequence of displacements between the images. The sequence of displacements is used to reconstruct the bar code. The sequence of displacements is used to reconstruct the bar code. The sequence of displacements is used to reconstruct the bar code.

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analysis system 15 that processed a bar code image 12 representing a bar code symbol." [emphasis added]. Thus, unlike the subject invention recited in the independent claims, the He Patent does not need to determine relative positions of a sequence of images of a bar code, and indeed fails to teach or suggest doing so. For at least this reason the He Patent does not anticipate any of the independent claims.

Claims 2-3, 5-12, and 15 depend, either directly or indirectly, on one of the independent claims. Accordingly, because a claim which depends on another claim is subject to all the limitations of that other claim, applicants respectfully submit that claims 2-3, 5-12 and 15 are not anticipated by the He Patent for at least the same reasons discussed above with respect to the independent claims.

In view of the remarks above, applicants respectfully request that the rejection of claims 1-3, 5-13 and 15-17 as being anticipated by the He Patent be reconsidered and withdrawn.

Section 6 of the Office Action rejected claim 4 under 35 U.S.C. §103(a) as being unpatentable over the He Patent in view of U.S. Patent No. 6,267,293 to Dwinell et al. ("Dwinell Patent"). More specifically, the Office Action stated that while the He Patent does not teach or suggest reading and processing a bar code it did anticipate the subject matter of the Dwinell Patent. The Dwinell Patent, however, teaches a system. Accordingly, the Office Action concluded that the subject matter of claim 4, which recites reading is more efficient and less expensive to do, than an illustration to the He Patent would be an obvious extension by one of ordinary skill in the art.

Claim 4 appears to be a further extension of claim 1. Because

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1 which are missing from the He Patent, applicants respectfully submit that claim 4 is not unpatentable over the He Patent in view of the Dwinell Patent for at least the same reasons discussed above with respect to the independent claim 1.

In view of the remarks above, applicants respectfully request that the rejection of claim 4 as being unpatentable over the He Patent in view of the Dwinell Patent be reconsidered and withdrawn.

Section 2 of the Office Action rejected claim 14 under 35 U.S.C. §103(a) as being unpatentable over the He Patent in view of U.S. Patent No. 5,656,805 to Plesko ("Plesko Patent"). More specifically, the Office Action stated that while the He Patent fails to teach or suggest a pen-type reading/scanning device, the Plesko Patent discloses such a device. Accordingly, the Office Action concludes that one of ordinary skill in the art would combine the Plesko teaching with the He Patent device to provide user comfort, and that the subject invention's use of a pen is a mere design choice.

Claim 14 depends on claim 13. Because a claim which depends on another claim is subject to all the limitations of that other claim and because the Plesko Patent fails to teach or suggest the elements recited in independent claim 13 which are missing from the He Patent, applicants respectfully submit that claim 14 is not unpatentable over the He Patent in view of the Plesko Patent for at least the same reasons discussed above with respect to independent claim 13.

In view of the remarks above, applicants respectfully request that the rejection of claim 14 as being unpatentable over the He Patent in view of the Plesko Patent be reconsidered and withdrawn.

Section 2 of the Office Action states that claim 13

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error function in terms of the speed of the reading device.


Applicants' withdrawal of the Office Action stated that claim 10 is allowable, Section 10 of the Office Action rejected claim 10 as being anticipated by the He Patent. Because the rejection of claim 10 in Section 10 renders the allowability of an independent claim 10 moot, and in view of the remarks above with respect to independent claim 10, on which claim 10 depends, applicants respectfully request that the rejection of claim 10 as being anticipated by the He Patent be reconsidered and withdrawn.

In view of the amendment to the abstract and the remarks above, applicants respectfully request that the rejections and objections raised in the Office Action be reconsidered and withdrawn, and a limit be allowed on claims 1-10.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

No fee, other than the fees for the three-month extension of time, is deemed necessary in connection with the filing of this Amendment. However, if any such fees are required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 1-1234.

Respectfully submitted,

  
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Applicant: Marking AMERICAN N. H. L.  
Serial No.: 100-11,400

100-8/NHZ/RSM

Version With Markings To Show Changes

In this Version, text being deleted is ~~struck-out~~ and surrounded by square brackets "[ ]" and text being inserted is underlined.

In the Specification:

The abstract has been presented on a separate sheet as follows:

The present invention relates to ~~[a method]~~methods and devices for recording a bar code~~[, which consists of a plurality]~~ of parallel lines of varying thickness. The ~~[method comprises the steps of]~~methods and devices operate by: (a+) capturing, by means of a reading device, a sequence of two-dimensional images of ~~[at least]~~ portions of the bar code during moving of the reading device across the ~~[same]~~barcode; (b+) detecting the edges of the bar code in ~~[at least]~~ a subset of the images; (c+) determining, for the edges of ~~[at least]~~ a subset of the detected images, possible displacements in relation to the edges of a preceding image; (d+) determining the most probable sequence of displacements for the sequence of images; and (e+) reconstructing the bar code by means of [said]the sequence of images and [said]the most probable sequence of displacements. This method allows reliable detection of a bar code by means of a reading device.